

E-FILED ON 12/13/05

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NICOLE MOSS and DISABILITY RIGHTS
ENFORCEMENT EDUCATION
SERVICES:HELPING YOU HELP OTHERS,

Plaintiffs,

v.

TACQUERIA CANCUN and GEE TEE O
L.L.C.,

Defendants.

No. C05-00738 HRL

**ORDER (1) RE DEFENDANTS' FAILURE
TO APPEAR THROUGH COUNSEL AND
(2) SETTING FURTHER CASE
MANAGEMENT CONFERENCE**

This court held a further case management conference on December 13, 2005. Juan M. Vega purported to appear on behalf of the defendants. However, Mr. Vega is not an attorney, and defendants Tacqueria Cancun and Gee Tee O, L.L.C. still have not yet retained counsel.

Defendants are again reminded that they may only appear in this action through an attorney and cannot defend themselves in this lawsuit without one. See Civ. L.R. 3-9(b) ("A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court"); see also *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel") and *In the Matter of George C. Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney

1 at law”).

2 **Defendants are further reminded that they retain all of the obligations of a litigant,**
3 **and their failure to appoint an attorney may lead to an order striking their pleadings or entry**
4 **of their default.** To date, defendants have yet to properly file an answer or other response to the
5 complaint. **Indeed, if the parties are unable to informally resolve this matter, and defendants**
6 **fail to secure counsel to represent them, then this court may be obliged to enter a default**
7 **judgment against defendants – even if they believe that they have a meritorious defense.**

8 The parties shall appear for a further case management conference on **February 14, 2006,**
9 **1:30 p.m. in Courtroom 2.** A joint status report shall be filed no later than **February 7, 2006.**

10 Dated: December 13, 2005

11 /s/ Howard R. Lloyd
12 HOWARD R. LLOYD
13 UNITED STATES MAGISTRATE JUDGE
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5:05-cv-738 Notice will be electronically mailed to:

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A courtesy copy of this document will be mailed to:

ATTENTION: Juan Vega

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